

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 4, 6-9, 11, 13-20, 22-26, 28-39, and 41-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyuboglu et al (5,541,852) in view of Applicant's admitted prior art (AAPA).

Eyuboglu et al, in Figures 1-10, discloses a video communication system that is substantially the same multimedia intermediate device coupled to a first terminal 202 and a second terminal 212 through one or more telecommunications networks 204 and configured to convert a first coded video bitstream data (e.g. CBR) coded using a first hybrid video codec to a second coded video bitstream data (e.g. VBR) coded using a second hybrid video codec as specified in claims 4, 6-9, 11, 13-20, 22-26, 28-39, and 41-61 of the present invention, the

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multimedia intermediate device comprising a video bitstream decoder 602 disposed in a data path ahead of the second terminal and operative to decode the first coded video bitstream data (e.g. CBR); an encoder 608 coupled to the video bitstream decoder 602 for re-encoding a plurality of macroblocks MB, wherein each of the plurality of macroblocks is re-encoded as an intra coded macroblock upon receipt of a video update request (e.g. Inter/Intra Control); and a control unit 406 coupled to the encoder 608.

With respect to claims 6-9, 11, 13-20, 22-26, 28-39, and 41-61, Eyuboglu et al also discloses a first standard for the first hybrid video codec is the same as a second standard for the second hybrid video codec (e.g. H.221); wherein the video bitstream decoder is operative to fully decode a frame before encoding an output frame (e.g. Fig. 6); wherein the plurality of macroblocks MB are a plurality of inter coded macroblocks; wherein the video bitstream decoder 602 is operative to manipulate data 604 in a frequency transform domain DCT; wherein the second terminal 308 is in at least one of a packet-switched network or a circuit-switched network; wherein the multimedia intermediate device is further coupled to a server 310 disposed in a second data path ahead of the video bitstream decoder 602, the server 310 being operative to transmit a portion of the video bitstream data from an encoded video bitstream data; wherein the server 310 is adapted to store the encoded video bitstream data at the server 310; wherein the hybrid video codec are selected from the group consisting of H.261, H.263, H.264, and MPEG-4-video; wherein the video update request is a signal received from a second control module (e.g. 404, 406) in the multimedia intermediate device; wherein a portion of the video bitstream data is copied to the second bitstream data 614, prior to receipt of the video update request 616; wherein

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the video update request is received at the control port 804; a video gateway 314; a multimedia gateway (e.g. data); a transcoding gateway 402; and a multimedia terminating device 306.

Although Eyuboglu et al discloses a control port coupled to the control unit for bit error detection, it is noted Eyuboglu et al differs from the present invention in that it fails to particularly disclose an external video update request in the various standardized configuration of the control unit with respect to the transmitting and receiving terminals as specified in claims 4, 6-9, 11, 13-20, 22-26, 28-39, and 41-61. Figure 1 of applicant's admitted prior art, however, teaches the concept of such well known set up wherein the request (e.g. video fast update) is received at the multimedia intermediate device 102 from a source 103 external to the multimedia intermediate device 102 and the control unit is configured to receive one or more H.245 VideoFastUpdate messages from a 3G-324M terminal 103.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Eyuboglu et al and Applicant's admitted prior art before him/her, to exploit the well known H.245 update technique as taught by AAPA in the multimedia intermediate device of Eyuboglu et al in order to efficiently update video transcoding.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 4, 6-9, 11, 13-20, 22-26, 28-39, and 41-61 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334. The examiner can normally be reached on (571) 272-7334.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Young Lee/  
Primary Examiner  
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